

**BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE**

IN RE:

THERACO, INC. and CONTINENTAL  
CASUALTY COMPANY

DOCKET NO.: 12.28-099568A

WC Appeal - Insurance

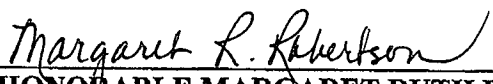
**AGREED ORDER OF DISMISSAL**

Upon agreement of the parties, and further, for good cause shown, the above-captioned matter is hereby dismissed without prejudice for lack of ripeness.

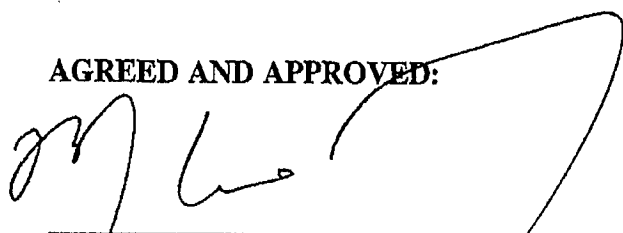
The insurer, Continental Casualty Company ("CNA"), does not seek payment from the Insured, Theraco, Inc. ("Theraco"), of any premium prior to the March 2008 through July 2008 policy period ("2008 Policy Period"). The audit process for the 2008 Audit Period has not been completed. The parties agree to allow CNA to conduct an in-person audit of Theraco for this policy period. Following completion of the audit process, CNA will notify Theraco of the audit results and whether it seeks payment of any additional premium. Depending on the results of the audit, Theraco may dispute the same in accordance with the administrative process. Nothing contained in this Agreed Order of Dismissal shall affect the rights of the parties with regard to the 2008 Policy Period.

Costs of this appeal are assessed against CNA for which execution may issue, if necessary.

ENTER: this 25<sup>TH</sup> day of August, 2008.

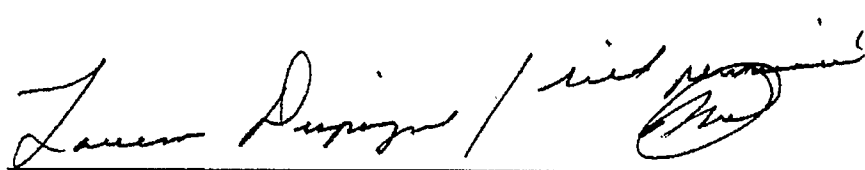
  
**HONORABLE MARGARET RUTH ROBERTSON,  
ADMINISTRATIVE LAW JUDGE**

**AGREED AND APPROVED:**



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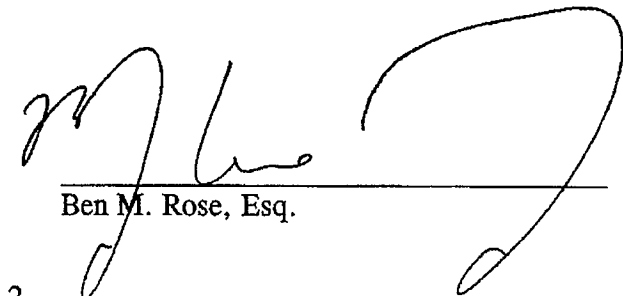
Attorney for Theraco, Inc.

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and exact copy of the foregoing has been sent by U.S. Mail, postage prepaid, to:

Ms. Jacquie Fortenberry  
Department of Commerce & Insurance  
Insurance Division - Actuarial Services Section  
4th Floor, 500 James Robertson Parkway  
Nashville, Tennessee 37243-1133

on this 26<sup>th</sup> day of August, 2008.

  
Ben M. Rose, Esq.